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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Letter dated 18 December 1991 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to convey to you the text of a note verbale handed to the Ministry for Foreign Affairs of Australia by the Ambassador of Portugal in Canberra on 16 December 1991.

I would be grateful if you would kindly arrange for this letter and its annex to be circulated as an official document of the General Assembly, under the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", and of the Security Council.

(Signed) Fernando REINO
Ambassador
Permanent Representative of Portugal
to the United Nations

ANNEX

Note verbale handed on 16 December 1991 to the Ministry for Foreign Affairs of Australia by the Ambassador of Portugal in Canberra

"The Australian Federal Minister for Resources, Mr. Alan Griffiths, announced, on December 12, that eleven production sharing contracts have been approved for petroleum exploration in "Area A" defined by the "Timor-Gap Cooperation Treaty", signed on 11th December, 1989, by Australia and Indonesia.

Mr. Griffiths' announcement also indicated that eleven production sharing contracts will be executed within the coming thirty days between the "Joint Authority" established by the aforesaid Treaty and the selected applicants.

2. This decision aggravates the dispute existing between Australia and Portugal over East Timor submitted to the International Court of Justice, on 22nd February 1991.

3. In so doing, the Australian Government behaves directly against one of the requests formulated in the application instituting proceedings filed by Portugal, namely "(...) to refrain from any act relating to the exploration and exploitation of the continental shelf in the area of the Timor-Gap" (...)"

Moreover, Australia apparently intends to confront the Court with a "fait accompli" concerning the very object of the dispute.

4. The present action of a "Joint Authority" involving Australia and a third party will not exempt the Commonwealth of Australia from its individual responsibility for these new violations of international law, namely of the United Nations Charter.

5. Through this initiative Australia confirms and worsens the illicit nature of the facts denounced by Portugal in its application submitted to the International Court of Justice.

Furthermore, and regardless of the role played by a third power, Australia can cause very serious material damages to the people of East Timor.

6. The Portuguese Government strongly protests against these developments and reserves itself the right to obtain, through all the available legal means, from Australia, the companies involved in oil exploration in the above-mentioned area and from any other entities benefiting directly from that exploration, reparations due to the people of East Timor and to Portugal in virtue of all the damages caused by these new illegal actions.'"